

VZCZCXR05720
RR RUEHGR
DE RUEHPO #0070/01 0341854
ZNR UUUUU ZZH
R 031854Z FEB 06
FM AMEMBASSY PARAMARIBO
TO RUEHC/SECSTATE WASHDC 8031
INFO RUCNCOM/EC CARICOM COLLECTIVE
RUEHAO/AMCONSUL CURACAO 0942
RUEHTC/AMEMBASSY THE HAGUE 1510

UNCLAS SECTION 01 OF 02 PARAMARIBO 000070

SIPDIS

SIPDIS

SENSITIVE

DEPT FOR WHA/CAR - LLUFTIG
PORT OF SPAIN FOR LEGATT

E.O. 12958: N/A

TAGS: [SNAR](#) [PREL](#) [KCRM](#) [PGOV](#) [NS](#)

SUBJECT: DUTCH HIGH COURT REJECTS BOUTERSE REQUEST TO
RECONSIDER HIS DRUG CONVICTION

REFS: (A) PARAMARIBO 39 (B) PARAMARIBO 43 (C) 05

PARAMARIBO 751

PARAMARIBO 00000070 001.2 OF 002

¶1. (SBU) Summary. On January 31 the Dutch High Court rejected a request by former Surinamese military dictator and opposition party leader Desi Bouterse to reopen the case surrounding his 1999 conviction for narcotics trafficking. The decision appears to end Bouterse's long quest to have his conviction overturned, which could have rescinded the Interpol warrant against him and allowed him to travel freely outside Suriname. The judgment also has an impact on his political maneuvering room. (See reftels). End Summary.

¶2. (U) In July 1999 a Dutch Court in the Hague found Bouterse guilty in absentia on six of seven counts for narcotics trafficking and a related charge for a combined sentence of 16 years. When he appealed in 2000, the appeals court acquitted him of five of the six counts citing unreliable witness testimony. However, the court upheld one guilty verdict for Bouterse's alleged role in the transportation of 474 kilos of cocaine from Suriname to the Netherlands in 1997 in the Stellendam case. While the court of first instance had originally sentenced Bouterse to seven years on this count, the appeals court increased the sentence to 11 years. In its decision, the appeals court said the testimony of witness Patrick Van Loon was paramount in the case. Bouterse appealed the 11-year sentence to the Dutch High Court, but his appeal was rejected on 23 October **¶2001.**

¶3. (U) In 2002 Bouterse and his lawyer began legal proceedings to have his case reopened saying new evidence had been brought to light. Bouterse's defense lawyer claimed that Van Loon's testimony was only made after securing a suspicious, nontransparent deal with the Dutch Public Prosecutor's Office to receive a reduced sentence for his involvement in another narcotics case. Bouterse's defense also claimed that Van Loon's testimony contradicted statements he made in other drug-related investigations, but on 4 March 2003 the High Court turned down Bouterse's request to reopen his case.

¶4. (U) On 25 July 2005 Bouterse and his Dutch lawyer, Inez Weski, submitted a second formal request to reopen the case claiming that the public prosecutor's office failed to present all available information to the court and had it done so, the courts might have ruled differently. Weski

also submitted that she had obtained new information from an interview with the pilot of the ship that ferried the cocaine in the Stellendam case. According to Weski, Van Loon told the pilot that he planned to incriminate Bouterse after securing a deal with public prosecutors, despite Bouterse having no involvement in the case. Weski also queried before the High Court why an alleged accomplice of Bouterse was not prosecuted if the evidence against Bouterse had been so solid. The High Court struck down this last appeal on January 31 saying the defense's arguments were groundless and were unlikely to lead to a different verdict were the case to be reconsidered.

¶15. (SBU) Bouterse and senior members of his NDP political party have long argued that his conviction in the Netherlands was politically motivated and that the Dutch simply want to rid Suriname of Bouterse for their own purposes. A local newspaper with the third largest circulation, the Times of Suriname, supported this view in an editorial immediately following the decision. When questioned how the NDP could allow a criminal with a narcotics conviction lead their party and be its presidential candidate, NDP officials often use the argument that Bouterse was unjustly convicted as their justification. On the morning of the May 25 election in 2005, voters awoke to front-page headlines conveying assertions from Weski that Van Loon had fabricated his story, an announcement very likely timed to convince voters that Bouterse's conviction would soon be overturned and that voting for him would not hinder Suriname's international relations.

COMMENT

¶16. (SBU) The Dutch High Court's pronouncement puts to rest speculation that Bouterse's conviction in absentia for narcotics trafficking will one day be overturned. Barring

PARAMARIBO 00000070 002.2 OF 002

some new evidence coming to light, this appears to be his last legal option within the Netherlands, although one local editorial suggested he seek to appeal to some higher European court. Meanwhile, it remains to be seen how he will contend with his murder charges in Suriname. The presiding court continues to deliberate over pre-trial defense objections, which must be ruled on before a trial can proceed. By leaving his Interpol warrant intact, the Dutch High Court's ruling significantly narrows Bouterse's options for leaving Suriname to avoid prosecution, assuming that was an avenue he would consider. It also undermines his public charm offensive to present himself as an upstanding political leader simply being subjected to politically-motivated persecution.

LEONARD